

JS 44 (Rev 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CAROL BARTHOLOMEW

(b) County of Residence of First Listed Plaintiff Lehigh County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott K. Johnson, Esq., Two Penn Center, Suite 1240
1500 John F. Kennedy Boulevard, Philadelphia, PA 19110

DEFENDANTS

PINNACLE LOGISTICS, LLC

County of Residence of First Listed Defendant Delaware, Texas, Colorado
(IN U.S. PLAINTIFF CASES ONLY)

NOTE. IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

Rachel Fendell Satinsky, Esq., Littler Mendelson, 3 Parkway,
1601 Cherry St., Ste. 1400, Philadelphia, PA 19102

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|---------------------------------------|--|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/D:WW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
42. U.S.C. 1332

Brief description of cause
Employment Action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

JUL 30 2019

DATE
07/30/2019

SIGNATURE OF ATTORNEY OF RECORD

Rachel Fendell Satinsky

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JLS

UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF PENNSYLVANIA

19

3489

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 704 Saint John Street, Allentown, Pennsylvania

Address of Defendant: 1640 West 23rd Street, Dallas, TX 75261

Place of Accident, Incident or Transaction: Allentown, Pennsylvania

RELATED CASE, IF ANY:

Case Number: n/a Judge: (AIR) n/a Date Terminated: n/a

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 07/30/2019

Rachel Fendell Satinsky
Attorney-at-Law / Pro Se Plaintiff

308751

Attorney I D # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) _____
- ☐ 7. Products Liability
- ☒ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify) _____ Employment _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Rachel Fendell Satinsky, counsel of record or pro se plaintiff, do hereby certify

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☒ Relief other than monetary damages is sought.

DATE 07/30/2019

Rachel Fendell Satinsky
Attorney-at-Law / Pro Se Plaintiff

JUL 30 2019

308751

Attorney I D # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

JLS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

CAROL BARTHOLOMEW

v.

PINNACLE LOGISTICS, LLC

CIVIL ACTION

19

3489

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

07/30/2019

Date

267-402-3000

Telephone

Rachel Indell Satinsky

Attorney-at-law

267-402-3131

FAX Number

Pinnacle Logistics, LLC

Attorney for Defendant

rsatinsky@littler.com

E-Mail Address

(Civ. 660) 10/02

JUL 30 2019

JLS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19 3489

Civil Action No.: _____

CAROL BARTHOLOMEW,

Plaintiff,

v.

PINNACLE LOGISTICS, LLC,

Defendant.

NOTICE OF REMOVAL OF ACTION

Defendant Pinnacle Logistics, incorrectly pled as Pinnacle Logistics, LLC ("Defendant" or "Pinnacle"), by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby files this Notice of Removal of the above-captioned action from the Court of Common Pleas of Lehigh County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Pinnacle avers as follows:

1. On or about June 17, 2019, Plaintiff Carol Bartholomew ("Plaintiff" or "Bartholomew") filed a Civil Action Complaint ("Complaint") against Pinnacle in the Court of Common Pleas of Lehigh County, Pennsylvania, captioned *Carol Bartholomew v Pinnacle Logistics, LLC*, Case No. 2019-C-1850 ("State Court Action").

2. On or about June 19, 2019, the Pennsylvania Human Relations Commission ("PHRC") sent a letter to Bartholomew informing her that it had been one year since she filed her complaint with the PHRC and that she now had the right to bring an action in the appropriate Pennsylvania Court of Common Pleas based on the alleged violations of the Philadelphia Human Relations Act ("PHRA") contained in her commission complaint.

3. On or about July 1, 2019, Pinnacle received a copy of the Complaint in this action. A true and correct copy of the Complaint is attached hereto as Exhibit 1.

4. This Notice of Removal is timely as it is made within thirty (30) days of Pinnacle's receipt of the complaint, as required by 28 U.S.C. § 1446(b).

5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) in that there is complete diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

6. Bartholomew is a resident of the Commonwealth of Pennsylvania who has made and intends to continue to make Pennsylvania her primary residence for the indefinite future. (Compl. ¶ 1.) Bartholomew is therefore a citizen of Pennsylvania for purposes of 28 U.S.C. § 1332.

7. Plaintiff's correct employing entity is IAS Logistics DFW, LLC ("IAF"), which does business as Pinnacle Logistics. IAF is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in the State of Texas.

8. IAF has two members: Harry Combs and Everett Wheeling. Combs is a citizen of Colorado and Wheeling is a citizen of Texas. Therefore, Pinnacle is a citizen of Delaware, Texas and Colorado for purposes of 28 U.S.C. § 1332. *See Zambelli Fireworks Manufacturing Co. v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010) (holding that limited liability company is a citizen of each state where its members are citizens).

9. Accordingly, diversity of citizenship, for purposes of 28 U.S.C. § 1332, existed between Bartholomew and Pinnacle at the time Bartholomew commenced the State Court Action, and continues to exist as of the time of filing this Notice of Removal.

10. Pinnacle asserts that the amount in controversy exceeds \$75,000, exclusive of interest and costs. **Bartholomew specifically alleges that she seeks an amount in excess of \$75,000.** (Compl. Section V (“Relief Requested”), Wherefore Clause.) Bartholomew’s requested damages include “compensatory damages for: including, but not limited to, restitution, expectation damages, consequential damages, back pay and lost benefits[,] lost future wages, lost earning capacity, economic loss, pain and suffering, [and] emotional distress.” (*Id.* ¶ A.) Additionally, Bartholomew seeks attorneys’ fees, which must also be taken into account when determining whether the amount in controversy is met. *Suber v. Chrysler Corp.*, 104 F.3d 578, 585 (3d Cir. 1997).

11. Accordingly, the grounds for diversity jurisdiction are satisfied, and this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

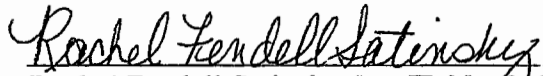
12. By reason of the foregoing, Pinnacle desires and is entitled to have this case removed from the Court of Common Pleas of Lehigh County to the United States District Court for the Eastern District of Pennsylvania.

13. This Court is the district court of the United States for the district and division embracing the place where this action is currently pending for purposes of 28 U.S.C. § 1441(a).

14. True and correct copies of this Notice of Removal with accompanying exhibits and Notice of Removal directed to the State Court are being served upon Plaintiff and filed with the Court of Common Pleas of Lehigh County, Pennsylvania, in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Pinnacle respectfully requests that this case be removed to this Court, that this Court accept jurisdiction, and that this action be henceforth placed on the docket of this Court for all further proceedings as though the same had been originally instituted and commenced in this Court.

Respectfully submitted,



Rachel Fendell Satinsky (PA ID No. 308751)

LITTLER MENDELSON

1601 Cherry Street, Suite 1400

Philadelphia, PA 19102.1321

Telephone: 267.402.3000

Facsimile: 267.402.3131

rsatinsky@littler.com

Attorneys for Defendant,

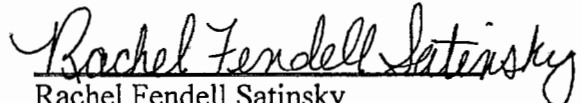
Pinnacle Logistics, LLC

Dated: July 30, 2019

CERTIFICATE OF SERVICE

I certify that on this 30th day of July, 2019, a true and correct copy of the foregoing Defendant's Notice of Removal of Action was served by U.S. Mail upon the following:

Scott K. Johnson, Esq.
Two Penn Center, Suite 1240
1500 John F. Kennedy Boulevard
Philadelphia, PA 19110
scottj@ericshore.com
Attorney for Plaintiff, Carol Bartholomew


Rachel Fendell Satinsky

FIRMWIDE.165419429.3 098413 1005



Littler Mendelson, P.C.
Three Parkway
1601 Cherry Street, Suite 1400
Philadelphia, PA 19102 1321

July 30, 2019

Rachel Fendell Satinsky
267 402 3071 direct
267 402 3000 main
267 285 2566 fax
rsatinsky@littler.com

VIA HAND-DELIVERY

Clerk, United States District Court
for the Eastern District of Pennsylvania
601 Market Street, Room 2609
Philadelphia, PA 19106

Re: Carol Bartholomew v. Pinnacle Logistics, LLC

Dear Clerk of Court:

Enclosed for filing please find the original and one copy of the below documents, along with a CD and check in the amount of \$400.00. Kindly time-stamp the copy and return it to our courier.

- Notice of Removal;
- Civil Cover Sheet;
- Designation Form;
- Disclosure Statement Form;
- Case Track Designation Form; and
- CD containing copy of documents.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Rachel Fendell Satinsky

Rachel Fendell Satinsky

RFS/nmc

Enclosures

cc: Scott K. Johnson, Esq. (via Email & First Class Mail)

EXHIBIT A

Rachel Fendell Satinsky (PA ID No. 308751)
LITTLER MENDELSON
1601 Cherry Street, Suite 1400
Philadelphia, PA 19102.1321
Telephone: 267.402.3000
Facsimile: 267.402.3131

Attorneys for Defendant

CAROL BARTHOLOMEW,

Plaintiff,

v.

PINNACLE LOGISTICS, LLC

Defendant.

IN THE COURT OF COMMON PLEAS,
LEHIGH COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

Case No. 2019-C-1850

NOTICE OF REMOVAL OF ACTION

Defendant Pinnacle Logistics, incorrectly pled as Pinnacle Logistics, LLC (“Defendant” or “Pinnacle”), by and through its undersigned counsel, hereby gives notice to the Court of Common Pleas of Lehigh County, Pennsylvania and Plaintiff Carol Bartholomew (“Plaintiff” or “Bartholomew”) as follows:

1. Defendant has filed with the United States District Court for the Eastern District of Pennsylvania a Notice of Removal. A copy of the Notice of Removal is attached hereto as Exhibit A.
2. Pursuant to the provisions of 28 U.S.C. § 1446(d), the filing of the Notice of Removal by Defendant effects the removal of this action from this Court’s jurisdiction, and this Court “shall proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Respectfully submitted,

/s/ Rachel Fendell Satinsky
Rachel Fendell Satinsky (PA ID No. 308751)
LITTLER MENDELSON
1601 Cherry Street, Suite 1400
Philadelphia, PA 19102.1321
Telephone: 267.402.3000
Facsimile: 267.402.3131
rsatinsky@littler.com

*Attorneys for Defendant,
Pinnacle Logistics, LLC*

Dated: July 30, 2019

CERTIFICATE OF SERVICE

I certify that on this 30th day of July, 2019, a true and correct copy of the foregoing
Defendant's Notice of Removal of Action was served by email upon the following:

Scott K. Johnson, Esq.
Two Penn Center, Suite 1240
1500 John F. Kennedy Boulevard
Philadelphia, PA 19110
scottj@ericshore.com
Attorney for Plaintiff, Carol Bartholomew

/s/ Rachel Fendell Satinsky
Rachel Fendell Satinsky

Scott K. Johnson (Pa. Id. No: 85024)
LAW OFFICES OF ERIC A. SHORE, P.C.
scottj@ericshore.com
Two Penn Center, Suite 1240
1500 John F. Kennedy Boulevard
Philadelphia, PA 19110
(267) 546-0124 (t)
(215) 944-6124 (f)
Attorney for Plaintiff, Carol Bartholomew

CAROL BARTHOLOMEW	:	LEHIGH COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
	:	_____ Term, 2019
v.	:	
	:	No.: _____
PINNACLE LOGISTICS, LLC	:	
	:	COMPLAINT—CIVIL ACTION
Defendant.	:	
	:	
	:	
	:	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OF FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lehigh County Bar Association
1114 West Walnut Street
Allentown, PA 180102
(610) 433-6204

III. FACTS

8. On August 22, 2017, Defendant hired Ms. Bartholomew to work as a Supervisor at their warehouse located in Allentown, Pennsylvania.

9. In November of 2017, Regional Manager for Baltimore Washington International Airport ("BWI"), Ryan¹, the Manager on duty for BWI from Texas, Greg², Safety Supervisor for Pinnacle, Ray³, and Regional Manager for BWI Justin⁴, came to work at Defendant's Allentown, Pennsylvania location.

10. Ray would say to Ms. Bartholomew, "Come on, get your old ass out there on the floor and get your people moving."

11. According to Ms. Bartholomew, Ray would obsessively and inappropriately talk about young female employees and would inappropriately sell them his homemade moonshine from his car or from the hotel he was staying at.

12. Ray would also invite the young female employees back to his hotel room to party with him.

13. Ms. Bartholomew observed Ray being extra friendly with some of the younger female employees, (i.e., touching them and playing with their hair, allowing them to have long breaks, and entertaining them with food and drinks).

14. In late November 2017, Ms. Bartholomew witnessed this inappropriate behavior and spoke with the Human Resources representative, Steve⁵.

15. Ms. Bartholomew was called into the office by Steve and another representative from Human Resources, Sasha⁶, and was asked if she witnessed any of Ray's inappropriate

¹ The last name of Ryan is unknown to Plaintiff

² The last name of Greg is unknown to Plaintiff

³ The last name of Ray is unknown to Plaintiff

⁴ The last name of Justin is unknown to Plaintiff

⁵ The last name of Steve is unknown to Plaintiff

23. On January 17, 2018 Ms. Bartholomew met with Cindy, and she gave her the reason why she was terminated.

24. Cindy told Ms. Bartholomew that she spoke with Ryan and Greg and they told her that they were not satisfied with Ms. Bartholomew's performance during peak holiday season.

25. In spite of their alleged dissatisfaction with Ms. Bartholomew's performance, Ryan and Greg did not provide Cindy or by extension any specific objective proof of Ms. Bartholomew mishandling the peak holiday season operations.

26. On January 19, 2018 Ms. Bartholomew met with Cindy again to try and regain her position.

27. Cindy asked Ms. Bartholomew what she wanted out of this, and Ms. Bartholomew told Cindy specifically that she wanted her job back.

28. After the investigation, Cindy was in the process of getting Ms. Bartholomew her job back; however, Cindy was also terminated by Defendant on February 5, 2018.

29. In addition to discriminating against Ms. Bartholomew on the basis of age, Defendant also retaliated against Ms. Bartholomew because she complained about sexual harassment by one of the managers.

IV. CAUSE OF ACTION
VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS ACT
(43 P.S. § 951, *et seq.*)

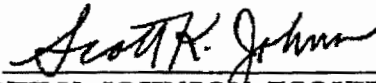
30. Plaintiff incorporates paragraphs 1-29 as if fully set forth at length herein.

31. At all times material hereto, and pursuant to the Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.*, an employer may not discriminate or retaliate against an employee.

32. Plaintiff is a qualified employee and person within the definition of Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.*

Date: June 12, 2019

LAW OFFICES OF ERIC A. SHORE, P.C

BY: 
SCOTT K. JOHNSON, ESQUIRE
Two Penn Center, Suite 1240
1500 John F. Kennedy Boulevard
Philadelphia, PA 19110
Tel.: (267) 546-0124
Fax: (215) 944-6124
Email: scottj@ericshore.com
Attorney for Plaintiff, Carol Bartholomew